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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,199	06/22/2005	Dieter Huhse	3286-101	2124
6449 7590 11/05/2008 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
EXAMINER CARTER, MICHAEL W				
ART UNIT 2828		PAPER NUMBER		
NOTIFICATION DATE 11/05/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/13/2008 have been considered but they are not persuasive.

Applicant argues that Koichi is deficient because it does not teach the main laser is a Fabry-Perot laser or that the auxiliary is a DFB or a DBR laser. The examiner agrees that using a Fabry-Perot type laser and DBR or DFB auxiliary laser is not explicitly taught. However, as discussed in the prior rejection of claim 1, Koichi does teach using a single mode laser injected into a multimode main laser. Applicant further points out that the lasers in Koichi are identical. The examiner concedes this point as being shown in Koichi, pg. 8, first paragraph. However, the key teaching of Koichi is not the use of two identical lasers, but rather using a laser which is single mode injected into a multimode main laser in order to lock the main laser to a single mode in a light injection transmitter (page 9, paragraph). The examiner maintains that it would have been obvious to one of ordinary skill in the art to substitute a well known single mode laser and a well known multimode laser for the single mode laser and multimode laser of Koichi's device as the particular lasers used in Koichi do not appear critical to the operation of the device. As the applicant points out, Heffner does not provide an explicit suggestion that the lasers in Koichi should not be identical. Heffner does, however, demonstrate that a Fabry-Perot laser is a well known multimode laser and that a DFB laser is a well known single mode laser. Based on the above argument, they are then obvious substitutions for the single mode and multi-mode laser of Heffner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Carter whose telephone number is (571) 270-1872. The examiner can normally be reached on Monday-Friday, 7:00 a.m.-4:30 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MC/

/Minsun Harvey/
Supervisory Patent Examiner, Art Unit 2828